

### **REMARKS**

Claims 1-42 are pending in the application. The Examiner has rejected Claims 1, 9, 16 and 24 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has rejected Claims 1-3, 5-7, 9-14, 16-18, 20-22 and 24-29 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen (U.S. Patent 5,751,761) in view of Minn et al. (U.S. Patent 6,088,347). The Examiner has rejected Claims 4 and 19 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and further in view of Partridge, III (U.S. Patent 5,608,778). The Examiner has rejected Claims 8, 23, 33 and 39 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and Partridge, III, and further in view of Tiedemann, Jr. et al. (U.S. Patent 6,256,301). The Examiner has rejected Claims 15, 30, 36 and 42 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and further in view of Tiedemann, Jr. et al. The Examiner states that new Claims 31-42 “are simply broader interpretations of previously presented claims, therefore the rejections of the previously presented claims also apply to the new claims.”

Regarding the Examiner’s rejection of Claim 1, 9, 16 and 24 under §112, second paragraph, the Examiner stated that “the system” recited in “the number of stored orthogonal code numbers is less than the total number of orthogonal code numbers of the system” is indefinite, in that it is unclear whether “the system” refers to the first CDMA system or the second CDMA system, each recited in the claims. Claims 1, 9, 16 and 24 have been amended to clarify this element. Based on at least the foregoing amendments to Claims 1, 9, 16 and 24, withdrawal of the rejection is respectfully requested.

Regarding independent Claims 1, 9, 16 and 24, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al. In the Response to Arguments section of the Office Action, page 7, paragraph 17, the Examiner comments that it is not clear from the claim language that only the non-orthogonal codes of the first CDMA system are stored as codes for the second CDMA system. Claims 1, 9, 16 and 24 have been amended to further clarify this concept. It is respectfully submitted that this amendment places the claims in

condition for allowance, and withdrawal of the rejections of Claims 1, 9, 16 and 24 is respectfully requested.

The Examiner rejected independent Claims 31, 34, 37 and 40 by stating that these claims are "simply broader interpretations of previously presented claims". Although Applicants respectfully disagree with the grounds for rejecting the claims presented by the Examiner, Claims 31, 34, 37 and 40 have been amended to recite that "the stored orthogonal codes being codes that are non-orthogonal with the first orthogonal code". Based on at least the foregoing comments and/or amendments, withdrawal of the rejections of Claims 31, 34, 37 and 40 is respectfully requested.

Independent Claims 1, 9, 16, 24, 31, 34, 37 and 40 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-15, 17-23, 25-30, 32, 33, 35, 36, 38, 39, 41 and 42, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10-15, 17-23, 25-30, 32, 33, 35, 36, 38, 39, 41 and 42 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-42, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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